



## **ALAMEDA-CONTRA COSTA TRANSIT DISTRICT**

### **MINUTES**

#### **Board of Directors - Regular Meeting**

AC Transit General Offices

2nd Floor Board Room

1600 Franklin Street, Oakland, CA 94612

**Wednesday, June 26, 2019 at 5:00 PM**

**Closed Session - 4:15 PM**

#### **MEMBERS OF THE BOARD OF DIRECTORS**

**JOE WALLACE, PRESIDENT (WARD 1)**

**ELSA ORTIZ, VICE PRESIDENT (WARD 3)**

**GREG HARPER (WARD 2)**

**MARK WILLIAMS (WARD 4)**

**DIANE SHAW (WARD 5)**

**H. E. CHRISTIAN PEEPLES (AT-LARGE)**

**JOEL YOUNG (AT-LARGE)**

#### **BOARD OFFICERS**

**MICHAEL A. HURSH, GENERAL MANAGER**

**DENISE C. STANDRIDGE, GENERAL COUNSEL**

**LINDA A. NEMEROFF, DISTRICT SECRETARY**

**The Alameda-Contra Costa Transit District Board of Directors held a meeting on Wednesday, June 26, 2019, at 5 p.m.**

**The Board of Directors convened in Closed Session at 4:21 p.m. to discuss items 7A-7D as listed on the agenda. All Board members were present. Closed Session concluded at 5:01 p.m.**

**President Wallace called the Board of Directors meeting to order at 5:07 p.m.**

**1. ROLL CALL**

**Present:** Harper, Williams, Shaw, Peeples, Young, Ortiz, Wallace

**2. PRESENTATION**

**2.A. Recognition of AC Transit's Bus Operator and Maintenance Team for winning the award of Grand Champion at the 2019 APTA International Bus Roadeo Competition.**

**19-147**

Bus Operator: Jesse De La Cruz

Maintenance Team: Sean Burr, Miguel Lopez, Alvin Tan

Presenter: President Wallace

Chief Operating Officer Salvador Llamas introduced the presentation by describing both the Local and International Bus Roadeo Competitions, including the components of the maintenance and bus operator competitions. He then introduced AC Transit's operator and maintenance team for recognition as the 2019 International Bus Roadeo Grand Champions. President Wallace and General Manager Hursh thanked and congratulated members of the team for their hard work and excellence in representing AC Transit.

This item was presented for information only.

**3. PUBLIC COMMENT**

There was no public comment offered.

**4. MODIFICATIONS TO THE AGENDA**

There was no modification to the agenda.

**5. CONSENT CALENDAR**

**Approval of the Consent Agenda**

**MOTION:** Williams/Peeples, to receive, approve or adopt the items on the Consent Calendar as indicated. The motion carried by the following vote:

**Aye:** Harper, Williams, Shaw, Peeples, Young, Ortiz, Wallace

**5.A. Consider approving Board of Directors/Board Officers Retreat minutes of May 29, 2019.**

**19-113**

Staff Contact: Linda Nemeroff, 891-7284

5.B. Consider approving Board of Directors minutes of June 12, 2019. [19-240](#)

Staff Contact: Linda Nemeroff, 891-7284

5.C. Consider the adoption of Resolution No. 19-019 providing notice of the scheduled adoption of an Appropriations Limit for Fiscal Year 2019-20. [19-194](#)

Staff Contact: Claudia Allen, 891-5465

5.D. Consider receiving the bi-monthly budget update for the period of July 2018 through April 2019 for Fiscal Year 2018-19. [19-216](#)

Staff Contact: Claudia Allen, 891-5465

5.E. Consider adoption of Resolution No. 19-023 authorizing the General Manager, or his designee, to file and execute applications and funding agreements, and certifications and assurances with the Metropolitan Transportation Commission for the State of Good Repair (SGR) Program to fund the East Bay Bus Rapid Transit project, non-revenue vehicles, portable lifts and the Division 2 re-roof project. [19-233](#)

Staff Contact: Claudia Allen, 891-5465

## 6. REGULAR CALENDAR

### External Affairs Items - Chair Ortiz

6.A. Consider receiving the monthly legislative report and approval of legislative positions. [19-228](#)

Staff Contact: Beverly Greene, 891-7255

Director of Legislative Affairs and Community Relations Claudia Burgos presented the staff report.

With regard to SB 328 (Portantino) Vice President Ortiz asked if letters of opposition were submitted by local school districts. Ms. Burgos responded that some districts had submitted letters, but not all of them. Vice President Ortiz requested that staff follow up with the districts that had not yet provided a letter. Director Shaw requested that staff provide Fremont Unified School District with a copy of the draft opposition letter.

President Wallace asked if the Contra Costa Transit Authority would be supporting the transportation measure in West Contra Costa County. Ms. Burgos responded that the Draft Expenditure Plan submitted to CCTA had a level of funding for transit that was 10% below the 25% level requested by the West Contra Costa Transportation Advisory Committee.

MOTION: Wallace/Peeples to receive the monthly legislative report and approve legislative positions as recommended by staff. The motion carried by the following vote:

**Aye:** Harper, Williams, Shaw, Peeples, Young, Ortiz, Wallace

**6.B.** Consider receiving an update on the AC Transit EasyPass Program.

**19-241**

Staff Contact: Beverly Greene, 891-7255

Marketing Manager Nichelle Laynes presented the staff report.

Director Williams asked about the status of EasyPass discussions with Cal State East Bay and Chabot College. Ms. Laynes advised that staff plan to offer Cal State East Bay pricing under the new matrix. She further advised that there had not been any discussions with Chabot after they opted not to move forward with EasyPass. Director Williams requested that staff remain engaged with both colleges. General Manager Michael Hursh reported that EasyPass sales were trending below average in terms of fare revenue. He added that the price for EasyPass will go up and wanted to be clear that there was no expectation that pricing will remain at existing levels.

Director Peeples drew attention to the aggressive timeline used by Chabot in the past to implement an EasyPass program. He suggested that once the new matrix is adopted, staff should remind the College to engage AC Transit in the fall if they wish to hold a vote on the EasyPass program in the spring. Ms. Laynes concurred with that suggestion.

Director Shaw thought that the methodology for the EasyPass program should be viewed in a more global sense in terms of transportation mode. Ms. Laynes responded that staff needed to engage with city planners early in the process to better understand how the program works and how developers may benefit from it. Director Shaw also requested confirmation that the EasyPass could be used for on-demand service, such as Flex. Ms. Laynes confirmed that the EasyPass was available to on-demand riders.

Vice President Ortiz noted that the program's popularity as a transit management tool among cities and developers and was concerned about the amount of resources available to manage the program. Mr. Hursh advised that additional resources would be requested in future budgets.

Director Harper believed that in order to influence what cities do, the pricing matrix should specify what conditions of approval would garner better pricing for developers. He also felt that these requirements should extend to homeowners associations which would provide more stability in terms of revenue for the District. In addition, Director Harper felt it was important to discount EasyPass to developers of affordable housing which would help the people most in need of public transit access. Ms. Laynes clarified that the goal is for market rate programs to help subsidize below market rate communities. Vice President Ortiz added that the Alameda County Transportation Commission views transit as the third component necessary to address affordable

housing and job creation.

**Public Comment:**

Jane Kramer cautioned that the definition "low income" can be interpreted differently depending on the audience.

**MOTION:** Shaw/Peeples to receive an update on the AC Transit EasyPass Program. The motion carried by the following vote:

**Aye:** Harper, Williams, Shaw, Peeples, Young, Ortiz, Wallace

**Finance and Audit Items - Chair Harper**

**6.C.** Consider approving amendments to Board Policy 316, including a change in its title to "Debt Management Policy".

19-148

Staff Contact: Claudia Allen, 891-5465

Controller Ralph Martini presented the staff report.

Vice President Ortiz asked for clarification of the word "reasonable" on page 3, Section IV.B.2 with regard to assurance that grants for tax receipts will be available for repayment during the same fiscal period. After a brief discussion it was suggested that word reasonable be removed.

**MOTION:** Shaw/Ortiz to approve amendments to Board Policy 316, including a change in its title to "Debt Management Policy", including the additional amendment to remove the word "reasonable" from the Section IV.B.2. The motion carried by the following vote:

**Aye:** Harper, Williams, Shaw, Peeples, Young, Ortiz, Wallace

**Planning Items - Chair Peeples**

**6.D.** Consider authorizing the issuance of an Invitation for Bid (IFB) for a fixed price construction contract to renovate the operator facilities at the Contra Costa College Transit Center.

19-219

Staff Contact: Ramakrishna Pochiraju, 891-5448

There was no presentation of the staff report.

**MOTION:** Williams/Wallace to authorize the issuance of an Invitation for Bid (IFB) for a fixed price construction contract to renovate the operator facilities at the Contra Costa College Transit Center. The motion carried by the following vote:

**Aye:** Harper, Williams, Shaw, Peeples, Young, Ortiz, Wallace

**6.E.** Consider receiving the monthly progress and operational readiness report on the East Bay Bus Rapid Transit (BRT) Project.

19-209

Staff Contact: Ramakrishna Pochiraju, 891-5448

Director of BRT David Wilkins presented an update on construction activities. Director of External Affairs and Community Relations Claudia Burgos provided an update on outreach, while Contracts Compliance Administrator Phillip Halley spoke about the District's progress toward meeting workforce utilization and Disadvantaged Business Enterprise goals. Director of Transportation Derik Calhoun gave an overview of operational readiness activities.

Vice President Ortiz asked why the status of the San Leandro Transit Center was not reflected in the depiction of project completion status along the corridor. Mr. Wilkins advised that the presentation reflected only the status of the transit platforms, but the transit center could be reflected in future reports.

Director Shaw asked if workforce utilization had improved over the previous report. Mr. Halley advised that due to changes in the way the information was presented, it appeared there was an improvement; however, there was actually very little improvement since the last report.

Director Harper asked how many operators were being trained to provide the BRT service. Mr. Calhoun advised that fewer operators would be trained and would be identified through the general sign-up process.

**MOTION:** Ortiz/Wallace to receive the monthly progress and operational readiness report on the East Bay Bus Rapid Transit (BRT) Project. The motion carried by the following vote:

**Aye:** Harper, Williams, Shaw, Peeples, Young, Ortiz, Wallace

**6.F.** Consider receiving a report on the cost and feasibility of implementing a Line 97 Rapid Corridor.

19-235

Staff Contact: Ramakrishna Pochiraju, 891-5448

Senior Transportation Planner John Urgo presented the staff report.

Director Shaw commented that it will be interesting to see how much the Transit Signal Priority equipment will benefit service reliability on Line 97, given the congestion on Alvarado/Niles and with school in recess for the summer. She also asked if there would be ridership data available to determine if the investment would be recouped through ridership gains. Mr. Urgo responded that staff could project ridership, but wouldn't know the actual level of ridership gain until the service is in place.

Director Williams asked how density would factor into future service plans. Mr. Urgo advised staff would evaluate the impacts of high-density housing projects on major corridors going forward.

MOTION: Williams/Ortiz to receive report on the cost and feasibility of implementing a Line 97 Rapid Corridor. The motion carried by the following vote:

**Aye:** Harper, Williams, Shaw, Peeples, Young, Ortiz, Wallace

**Operations Items - Chair Shaw**

**6.G.** Consider receiving annual update on compliance with California Air Resources Board (CARB) regulations. 19-152

Staff Contact: Salvador Llamas, 891-7215

Technical Services Manager Stuart Hoffman presented the staff report.

Director Peeples complimented staff on its efforts to understand and plan for regulatory changes at CARB.

Director Harper asked if the contributions of the ZEBA partner agencies had ended to which Mr. Hoffman advised that they had once the Clean Transit Rule was passed.

Director Harper advised that the Board should have quarterly updates on the Zero Emission Bus Plan as it progresses. Staff agreed to provide the reports.

MOTION: Ortiz/Wallace to receive the annual update on compliance with California Air Resources Board (CARB) regulations. The motion carried by the following vote:

**Aye:** Harper, Williams, Shaw, Peeples, Young, Ortiz, Wallace

**6.H.** Consider adopting the District's three-year Disadvantaged Business Enterprise (DBE) Goal of 10% for Federal Fiscal Years (FFY) 2020 - 2022, a decrease of 4% from the previous triennial goal setting period. 19-199

Staff Contact: Phillip Halley, 891-7164

Contracts Compliance Administrator Phillip Halley presented the staff report.

Director Shaw asked why the goal was being lowered. Mr. Halley responded that the District was running out of federally funded projects, thus lowering the projected goal.

MOTION: Young/Ortiz to approve the adoption of the District's three-year Disadvantaged Business Enterprise (DBE) Goal of 10% for Federal Fiscal Years (FFY) 2020 - 2022, a decrease of 4% from the previous triennial goal setting period. The motion carried with the following vote:

**Aye:** Harper, Williams, Shaw, Peeples, Young, Ortiz, Wallace

**7. CLOSED SESSION/REPORT OUT**

Aside from the vote recorded hereafter, no additional reports were reported out of Closed

Session.

MOTION: Williams/Wallace to approve settlement in the amount of \$1,600,000 in the matter of Belcher v. AC Transit, ACSC Case No. RG17870503. The motion carried by the following vote:

**Aye:** Williams, Young, Ortiz, Wallace

**Nay:** Shaw, Harper

**Abstain:** Peeples

**7A. Conference with Legal Counsel – Existing Litigation**

(Government Code Section 54956.9 (a))

- Belcher, et. al. v AC Transit, et. al. Claim number: 16-2547 RG17870503

**7B. Conference with Legal Counsel – Potential Litigation**

(Government Code Section 54956.9(b)) (Two Cases)

**7C. Conference with Labor Negotiators**

(Government Code Section 54957.6):

Agency Designated Representatives:

- General Manager Michael Hursh;  
- Acting Executive Director of Human Resources Nathaniel Kramer;

Employee Organizations: ATU Local 192, AFSCME Local 3916, IBEW Local 1245,  
Unrepresented Employees

**7D. Public Employee Performance Evaluation**

(Government Code Section 54957)

Title: General Manager, General Counsel, District Secretary

**8. AGENDA PLANNING**

**8.A. Agenda Planning Pending List.**

**19-020k**

Director Young requested to that the Board discuss the progress made on the Strategic Plan at an upcoming meeting. (Vice President Ortiz concurred).

Director Harper removed the following items from Agenda Planning:

Report on developing standard routes for parades and events with the City of Oakland.  
Opportunities and challenges of implementing headway-based scheduling.

Report on Janus v. AFSCME

Report on how Human Resources plans to address difficulties in hiring new operators.

Director Shaw requested a discussion regarding the reliability of east/west commuter lines, including congestion points. (Vice President Ortiz, concurred)

Director Shaw requested a report on the status of the non-revenue vehicle fleet.  
(Director Young, concurred)

**9. GENERAL MANAGER'S REPORT****9.A. General Manager's Report for June 26, 2019.**19-108

The report was presented for information only.

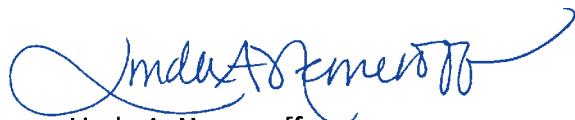
**10. BOARD/STAFF COMMENTS**

Members of the Board commented on meetings and events attended since the last Board meeting. Director Young requested to defer his report on his trip to Sweden for the UITP Global Public Transport Summit to the next meeting so that he could provide a presentation.

**11. ADJOURNMENT**

There being no further business to come before the Board of Directors, the meeting adjourned at 6:54 p.m. The next meeting of the Board of Directors is scheduled for August 7, 2019 at 5:00 p.m.

Respectfully submitted,



Linda A. Nemeroff  
District Secretary